

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

OLIVIA Y., et al.,

Plaintiffs,

v.

TATE REEVES, as Governor of the
State of Mississippi, et al.,

CIVIL ACTION NO.
3:04-CV-251-DCB-FKB

Defendants.

DECLARATION OF MARCIA ROBINSON LOWRY

I, Marcia Robinson Lowry, an attorney of record in this civil action, make this declaration under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. I am a member of the Bar of New York and admitted to practice in this Court *pro hac vice*. I am lead counsel for the Plaintiff Class in this case along with local counsel, Wayne Drinkwater and Michael Bentley of the firm of Bradley Arant Boult Cummings LLP. I am the Executive Director of a non-profit organization, A Better Childhood (“ABC”). I give this Declaration in support of Plaintiffs’ Motion For Payment of Plaintiffs’ Attorneys’ Fees and Expenses and seek an order with a specific time period by which Defendants will pay these fees.
2. I have previously submitted my Declaration to this Court in 2016 in support of Plaintiffs’ First Motion Seeking Class Counsel’s Contested Attorneys’ Fees and Expenses [Dkt. 686-1]. That Declaration sets forth in detail my education and previous experience litigating child welfare cases.

EXHIBIT

3. On January 12, 2021, Plaintiffs submitted an invoice to Defendants for monitoring and enforcement work performed by Plaintiffs' counsel on behalf of the Plaintiff class from July 1, 2020, through December 31, 2020.
4. Through negotiations, the parties have agreed upon the amount of **\$40,859.62**, to be paid by Defendants.
5. Defendants maintain that judgment shall not be paid by the state of Mississippi except through legislative appropriation.
6. The 2021 legislative session convened on January 5, 20201 and is scheduled to conclude in April 2021. *See Exhibit A* attached hereto.
7. Defendants have not yet remitted payment for Plaintiffs' October 2020 Motion for Payment of Plaintiffs' Attorneys' Fees and Expenses [Dkt. 901] for the period of January 1, 2020 through June 30, 2020. If Defendants are permitted to remit payment in accordance with legislative appropriations, Plaintiffs will again be forced to wait at least 8 months (August 2020 – April 2020) from the time they submitted their invoice to receive payment, if at all.
8. Indeed, in July 2020 Defendants remitted payment for Plaintiffs' May 2019 Motion for Payment of Plaintiffs' Attorneys' Fees and Expenses [Dkt. 843] for the period of July 1, 2018 through December 31, 2018, Plaintiffs' October 2019 Motion for Payment of Plaintiffs' Attorneys' Fees and Expenses [Dkt. 870] for the period of January 1, 2019 through June 30, 2019, and Plaintiffs' January 2020 Motion for Payment of Plaintiffs' Attorneys' Fees and Expenses [Dkt. 883] for the period of July 1, 2019 through December 31, 2019.
9. Accordingly, Plaintiffs were forced to wait approximately 17 months (February 2019 – July 2020), 12 months (July 2019 – July 2020), and 6 months (January 2020 – July 2020) respectively from the time invoices were submitted to receive payment.

10. Moreover, Plaintiffs seek these fees pursuant to 42 U.S.C. § 1988, a federal statute that creates an entitlement to fees in a case raising constitutional issues. There has been no dispute in this case, since its inception, that it raises constitutional issues. Therefore, state law does not govern the award of fees in this matter.

11. Plaintiffs, therefore, respectfully seek entry of an order approving the parties' agreement for attorneys' fees and expenses in the amount of **\$40,859.62** and ordering Defendants to remit payment within thirty (30) days from entry of the requested order.

I declare under penalty of perjury that the foregoing is true and correct.

Executed, this the 4th day of February 2021 in New York, New York.

/s/ Marcia Robinson Lowry
Marcia Robinson Lowry (*pro hac vice*)

The 2021 Regular Session of the Mississippi Legislature convenes at 12:00 Noon on Tuesday, January 5, 2021.

EXHIBIT

A

TIMETABLE FOR PROCESSING LEGISLATION 2021
90 Day Session

9th day Wed. Jan. 13	Deadline for making REQUESTS for general bills and constitutional amendments to be drafted.***
14th day Mon. Jan. 18	Deadline for INTRODUCTION of general bills and constitutional amendments.*
29th day Tues. Feb. 02	Deadline for COMMITTEES TO REPORT general bills and constitutional amendments originating in OWN House.*+
38th day Thurs. Feb. 11	Deadline for ORIGINAL FLOOR ACTION on general bills and constitutional amendments originating in OWN HOUSE.*
39th day Fri. Feb. 12	Deadline for RECONSIDERATION AND PASSAGE of general bills and constitutional amendments originating in OWN HOUSE.*
42nd day Mon. Feb. 15	Deadline to DISPOSE OF MOTIONS TO RECONSIDER general bills and constitutional amendments originating in OWN HOUSE.*
51st day Wed. Feb. 24	Deadline for ORIGINAL FLOOR ACTION on APPROPRIATIONS and REVENUE bills originating in OWN HOUSE.
52nd day Thurs. Feb. 25	Deadline for RECONSIDERATION AND PASSAGE OF APPROPRIATIONS and REVENUE bills originating in OWN HOUSE.
53rd day Fri. Feb. 26	Deadline to DISPOSE OF MOTIONS TO RECONSIDER APPROPRIATIONS and REVENUE bills originating in OWN HOUSE.
57th day Tues. Mar. 02	Deadline for COMMITTEES TO REPORT general bills and constitutional amendments originating in OTHER HOUSE.*+
65th day Wed. Mar. 10	Deadline for ORIGINAL FLOOR ACTION on general bills and constitutional amendments originating in OTHER HOUSE.*
66th day Thurs. Mar. 11	Deadline for RECONSIDERATION AND PASSAGE of general bills and constitutional amendments originating in OTHER HOUSE.*
67th day Fri. Mar. 12	Deadline to DISPOSE OF MOTIONS TO RECONSIDER general bills and constitutional amendments originating in OTHER HOUSE.*
71st day Tues. Mar. 16	Deadline for ORIGINAL FLOOR ACTION on APPROPRIATIONS and REVENUE bills originating in OTHER HOUSE.
72nd day Wed. Mar. 17	Deadline for RECONSIDERATION AND PASSAGE of APPROPRIATIONS and REVENUE bills originating in OTHER HOUSE.
73rd day Thurs. Mar. 18	Deadline to DISPOSE OF MOTIONS TO RECONSIDER APPROPRIATIONS and REVENUE bills originating in OTHER HOUSE.
74th day Fri. Mar. 19	Deadline to CONCUR OR NOT CONCUR in amendments from OTHER HOUSE to APPROPRIATIONS and REVENUE bills, and for INTRODUCTION of LOCAL and PRIVATE bills that are REVENUE bills.
77th day Mon. Mar. 22	Deadline to DISPOSE OF MOTIONS TO RECONSIDER concurrence or nonconcurrence in APPROPRIATIONS and REVENUE bills.
80th day Thurs. Mar. 25	Deadline to CONCUR OR NOT CONCUR in AMENDMENTS from OTHER HOUSE to GENERAL bills and CONSTITUTIONAL amendments.
81st day Fri. Mar. 26	Deadline for INTRODUCTION of LOCAL and PRIVATE bills that are not revenue bills.
82nd day Sat. Mar. 27	Deadline for CONFERENCE REPORTS on APPROPRIATIONS and REVENUE bills to be filed.**+
84th day Mon. Mar. 29	Deadline for FINAL ADOPTION of CONFERENCE REPORTS on APPROPRIATIONS and REVENUE bills**+, and for CONFERENCE REPORTS on GENERAL BILLS and CONSTITUTIONAL AMENDMENTS to be filed.**+
85th day Tues. Mar. 30	Deadline to DISPOSE OF MOTIONS TO RECONSIDER conference reports on APPROPRIATIONS and REVENUE bills.
86th day Wed. Mar. 31	Deadline for FIRST CONSIDERATION of conference reports on general bills and constitutional amendments.
87th day Thurs. Apr. 01	Deadline for FILING conference reports on general bills and constitutional amendments that had been RECOMMITTED for further conference.+

88th day Fri. Apr. 02	Deadline for ADOPTION of conference reports on general bills and constitutional amendments after RECOMMittal.
89th day Sat. Apr. 03	Deadline to DISPOSE OF MOTIONS TO RECONSIDER conference reports on general bills and constitutional amendments.
90th day Sat. Apr. 04	SINE DIE

* Appropriation, revenue, and local and private bills, and bills to restore suffrage are excluded from these deadlines. For purposes of the deadlines herein set forth, the term "revenue bills" shall include only those bills whose primary purpose is to increase or decrease taxes or to authorize the issuance of bonds or the borrowing of money. Bills which are primarily for regulatory purposes which have revenue provisions included shall not be considered as revenue bills for deadline purposes. The deletion from a bill of the features which made it a revenue bill shall render the bill a general bill for deadline purposes.

** Conference reports on all bills must be filed with the Secretary/Clerk no later than the time of adjournment on the day prior to being called up and considered. Appropriation bills which actually appropriate money and are recommitted for further conference are excluded from the requirement that the subsequent conference report be filed and lay on table one (1) day before being considered; however, original action must be taken on all appropriation conference reports by 2:00 p.m. on the 84th day and subsequent reports must be filed no later than 6:00 p.m.

*** Requests for general bills and constitutional amendments to be drafted must be made no later than 6:00 p.m. on the 9th day. The Rules Committee of the House or Senate, as the case may be, may authorize any member of its respective house to make requests, for one or more general bills or constitutional amendments to be drafted, after the expiration of the deadline for making such drafting requests but before the deadline for introduction of bills and constitutional amendments, upon a determination by the Rules Committee that such drafting requests are in response to conditions of an emergency nature arising subsequent to the deadline for making requests for general bills and constitutional amendments to be drafted.

+ Committee reports and conference reports that are subject to being filed on these deadlines must be filed with the Secretary/Clerk no later than 8:00 p.m.

Whenever the word "day" appears in this rule, it shall mean calendar day.

The above schedule shall not be deviated from except by the passage of a concurrent resolution adopted by a vote of two-thirds (2/3) of the membership of the House and Senate present and voting.